UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,898	11/02/2001	Maurice Haman Abraham	B-4358 619258-8	7200

7590 07/11/2008

HEWLETT-PACKARD COMPANY
P. O. BOX 272400
3404 E. Harmony Road
Intellectual Property Administration
Fort Collins, CO 80527-2400

EXAMINER
ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
2143	

MAIL DATE	DELIVERY MODE
07/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MAURICE HAMAN ABRAHAM and
ERIC JOSEPH STAMMERS

Appeal 2008-0573
Application 10/005,898[1]
Technology Center 2100

Decided: July 10, 2008

Before JEAN R. HOMERE, JAY P. LUCAS, and ST. JOHN COURTENAY
III, *Administrative Patent Judges*.

LUCAS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

---

[1] Application filed November 2, 2001. Appellants claim the benefit under
35 U.S.C. § 119 of United Kingdom application 0117558.7, filed
07/18/2001. The real party in interest is Hewlett Packard Development Co.

Appellants appeal from a final rejection of claims 1 to 9 under authority of 35 U.S.C. § 134. The Board of Patent Appeals and Interferences (BPAI) has jurisdiction under 35 U.S.C. § 6(b).

Appellants' invention relates to a computer apparatus and method for implementing a workflow defined by a sequence of instructions (nodes) that include some straight activity nodes, and some interactive nodes which query a user. The results of the queries are used in the execution of the activity nodes. In the words of the Appellants:

> In accordance with a first aspect of the present invention there is provided a computer apparatus for implementing a workflow, the workflow being defined by a sequence of activity nodes that include a plurality of interactive nodes, the computer apparatus comprising a processor for arranging and initiating the execution of the activity nodes in accordance with the defined sequence, wherein each interactive node is arranged to allow a user to input data for use in the execution of an activity node, the processor being arranged to analyse the user data to determine the interactive node in the sequence of activity nodes to which the data is associated.

(Spec., 2, l. 21)

Claim 1 is exemplary:

1. A computer apparatus for implementing a workflow defined by a sequence in which activity nodes that include a plurality of interactive nodes must be performed, the computer apparatus comprising a processor for arranging and initiating the execution of the activity nodes in accordance with the defined sequence, wherein each interactive node is arranged to allow a user to input data for use in the execution of an activity node, the processor being arranged to analyse the user input data to determine the interactive node in the sequence of activity nodes to which the user input data is associated.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Jawahar	US 6,298,356 B1	Oct. 2, 2001
Hankejh	US 6,915,336 B1	Jul. 5, 2005
		(filed Jun. 4, 1999)

REJECTIONS

Claims 1 to 9 stand rejected under 35 U.S.C. § 103(a) for being obvious over Jawahar in view of Hankejh.

Groups of Claims:

The claims are argued as a Group, with claim 1 being representative.

Appellants contend that the claimed subject matter is not rendered obvious by Jawahar alone, or in combination with Hankejh, for failure of those references to teach claimed limitations. The Examiner contends that each of the claims is properly rejected.

Rather than repeat the arguments of Appellants or the Examiner, we refer to the Brief and the Answer for their respective details. We consider in this opinion only those arguments that Appellants actually made in the Briefs. All other arguments are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(vii) (2006).[2]

We affirm the rejections.

---

[2] Appellants have not presented any substantive arguments directed separately to the patentability of the dependent claims or related claims, except as will be noted in this opinion. In the absence of a separate argument with respect to those claims, they stand or fall with the representative independent claim.

ISSUE

The issue is whether Appellants have shown that the Examiner erred in rejecting the claims 1 to 9 under 35 U.S.C. § 103(a). The issue turns on whether the Jawahar and Hankejh references teach all of the elements as claimed.

PRINCIPLES OF LAW

Appellants have the burden on appeal to the Board to demonstrate error in the Examiner's position. See *In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) ("On appeal to the Board, an applicant can overcome a rejection [under § 103] by showing insufficient evidence of prima facie obviousness or by rebutting the prima facie case with evidence of secondary indicia of nonobviousness.") (quoting *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)).

In sustaining a multiple reference rejection under 35 U.S.C. § 103(a), the Board may rely on one reference alone without designating it as a new ground of rejection. *In re Bush*, 296 F.2d 491, 496 (CCPA 1961); *In re Boyer*, 363 F.2d 455, 458 n.2 (CCPA 1966).

> To reject claims in an application under section 103, an examiner must show an unrebutted *prima facie* case of obviousness. . . . On appeal to the Board, an applicant can overcome a rejection by showing insufficient evidence of *prima facie* obviousness or by rebutting the *prima facie* case with evidence of secondary indicia of nonobviousness. [citations removed].

In re Rouffet, 149 F.3d 1350, 1355 (Fed. Cir. 1998).

ANALYSIS

From our review of the administrative record, we find that the Examiner has presented a prima facie case for the rejection of Appellants' claims under 35 U.S.C. § 103(a). In opposition, Appellants present a number of arguments.

Appellants first argue that Jawahar does not disclose or suggest analyzing a request to determine with which web page it is associated. (Br., 3, middle).

To respond to this argument, it may be best to review how the Jawahar reference can be applied to the claims. In the embodiment starting on column 13, line 65, Jawahar teaches the downloading of an access monitoring application to the user's computer whose purpose it is to store information about each web page that the user views and send that information to the web server. The access monitoring application keeps track of every page that the user views, its content (Col. 14, l. 63), whether he goes back and forth between pages (Col. 14, l. 43), the amount of time spent viewing a web page (Col. 16, l. 47), the total time spent viewing all web pages (Col. 16, l. 50) and the number of pages viewed. (Col. 17, l. 17). This information is sent to the web server. When, based on the input sent to the web server, the system determines that the user is going back and forth between pages, or is studying one page for a long time, or otherwise showing signs of interest, a Help button is generated and displayed to the user. (Figure 8, node 262). If the user clicks that Help button, he is connected to an agent (human being) to provide assistance to the user. (Col. 15, l. 43).

Let us consider the representative claim 1. Figure 8, described in column 16, line 40, is a flow diagram illustrating the procedure for determining whether to display the Help button to the user based on the information collected by the access monitoring program. This is one of the teachings of Jawahar upon which the rejection is based. (Answer, 4, l. 4). We note that there are activity nodes associated with this procedure (workflow), some of which nodes are interactive nodes, to which a user has inputted data. Jawahar presents a computer apparatus (the systems shown in Figures 1 and 2) comprising a processor for arranging and initiating the execution of the activity nodes (Col. 16, l. 45), wherein the interactive nodes allow users to input data (from the access monitoring program) for use in the execution of an activity node (the input data is used in the determinations in nodes and decisions shown in Figure 8). The processor analyzes the user input data (Figure 8 presents a series of determinations, which can reasonably be called an analysis) to determine the interactive node to which the user input data is associated (the proper input, say total viewing times, is associated with the interactive node collecting and evaluating that input, box 250 and decision 260 respectively).

With this understanding of the rejection, we now consider Appellants' contention that Jawahar does not disclose or suggest analyzing a request to determine with which web page it is associated. In reviewing the claim (recited above), we see that it actually calls for an analysis of the user input data to determine the interactive node to which the user data is associated. As just discussed, that data, supplied by the access monitoring application, is

analyzed in the teachings of Figure 8 and column 16. We do not find error in the Examiner's rejection on that point.

Appellants further argue that Jawahar teaches away from the claims as the Help of Jawahar does not execute a web page of an activity node. (Br., 4, middle). Our analysis above shows that the generation of the Help message is based on the analysis of the input data by the processor. We find that this is a sufficient teaching for rendering the claim limitation obvious, in this regard.

The teaching of Hankejh is supplemental to that of Jawahar, indicating another workflow comprised of nodes. See *In re Bush* (cited above).

CONCLUSION OF LAW

Based on the findings of facts and analysis above, we conclude that the Examiner did not err in rejecting claims 1 to 9.

DECISION

We affirm the rejection of claims 1 to 9.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

<u>AFFIRMED</u>

rwk

HEWLETT-PACKARD COMPANY
P. O. BOX 272400
3404 E. Harmony Road
Intellectual Property Administration
Fort Collins CO 80527-2400